

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HERBERT MITZINGER

Appeal No. 95-3088
Application 08/059,983¹

ON BRIEF

Before RONALD H. SMITH, WINTERS and OWENS, Administrative Patent Judges.

RONALD H. SMITH, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 and 2, all the pending claims in the application.

The subject matter relates to a method for processing exposed photographic reversal silver halide materials which eliminates the washing step between first development and reversal. Claim 1, the only independent claim, reads as follows:

¹ Application for patent filed May 12, 1993.

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1. A method for processing exposed photographic reversal silver halide materials comprising the following steps: (a) first development, (b) reversal bath, (c) color development, (d) conditioning, (e) bleaching, (f) fixing, (g) washing, (h) stabilization and (i) drying, characterized in that hydroquinone sulfonic acid is used as the first developer, and no washing takes place between steps (a) and (b) and step (b) is carried out in countercurrent over at least 2 stages.

The references relied on by the examiner are:

Kishimoto	4,752,556	Jun. 21, 1988
Kojima et al. (Kojima)	4,948,711	Aug. 14, 1990
Wernicke et al. (Wernicke)	5,110,715	May 5, 1992

Claim 1 stands rejected under 35 USC § 103 as unpatentable over the known prior art E-6 process in view of Wernicke and Kojima. Claim 2 stands rejected under 35 USC § 103 as unpatentable over the known prior art E-6 process in view of Wernicke and Kojima, and further in view of Kishimoto.

We have carefully considered the entire record, including the appellant's position as set forth in the brief and the examiner's position as set forth in the answer, and we have decided that we will not sustain the examiner's rejection. Since we are in substantial agreement with appellant's position as set forth in the brief, we adopt that position as our own.

The examiner has not established a prima facie case of

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obviousness. As noted by appellant, Wernicke teaches that the washing step may be eliminated without adversely affecting the quality if (1) an N,N-dialkyl-p-phenylenediamine compound is used as the sole developer, (2) the first development bath contains a compound which prevents developer oxidation products from reacting with the color couplers and (3) the silver halide layers have a chloride content of at least 80 mole % (col. 2, lines 17-39). We agree with appellant that Wernicke's teachings are very specialized and cannot be combined with the other references in any way that would suggest the claimed invention, which requires hydroquinone sulfonic acid as the developer.

The decision of the examiner is reversed.

REVERSED

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RONALD H. SMITH)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
SHERMAN D. WINTERS)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	

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TERRY J. OWENS)
Administrative Patent Judge)

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